Calendar No. 757

99TH CONGRESS
2d Session

SENATE

REPORT
99-355

PROVIDING FOR A PROGRAM OF CLEANUP AND MAINTENANCE OF FEDERAL LANDS

AUGUST 1 (legislative day, JULY 28), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1888]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1888) to provide for a program of cleanup and maintenance on Federal public lands, national parks, recreation areas, and for other purposes, having considered the same, reports favorably thereon with amendments to the text and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike the phrase "public lands" each place it appears in the bill and insert in lieu thereof the phrase "Federal lands".

2. On page 3, line 9, insert the following proviso:

> "Provided, however, That the activities associated with Federal Lands Cleanup Day may be undertaken in individual States on a day other than the first Saturday after Labor Day if the affected Federal land managers determine that because of climatological or other factors, an alternative date is more appropriate.".

3. On page 4, line 2, strike "and".

On page 4, after line 2, insert "(E) the Bureau of Reclamation of the Department of the Interior; and ".

On page 4, line 3, strike "(E)" and insert "(F)".

4. On page 4, strike the word "plan" and insert "plan for and carry out".

5. On pages 4 and 5, strike subsection (c) in its entirety and insert a new subsection (c) as follows:

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S313-17

"(c)(1) Within ninety days following the first Federal Lands Cleanup Day occurring after the date of enactment of this Act, each Federal land management agency shall provide a summary report to Congress briefly outlining the types of activities undertaken: the sites involved; the nature and extent of the volunteer involvement; the cost savings realized from the program and the overall success of such agency in observing Federal Lands Cleanup Day.

"(2) Such reporting requirements shall remain in effect for two years after the submission of the first report.".

6. Amend the title so as to read: "A bill to provide for a program of cleanup and maintenance on Federal lands.".

Purpose of the Measure

S. 1888, as reported, would establish a national program for the cleanup and maintenance of Federal lands.

Background and Need

S. 1888, as reported, requires each Federal land management agency to organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and maintaining Federal public lands, recreation areas, and waterways within the jurisdiction of each agency. Each agency would plan activities to encourage continuing public and private sector cooperation in preserving the beauty and safety of Federal lands; increase citizens' sense of ownership and community pride in these areas; reduce litter on Federal lands along trails and waterways and other recreational areas; maintain and improve trails, recreation areas, waterways, and facilities. These efforts would culminate in Federal Lands Cleanup Day, which the bill designates as the first Saturday following Labor Day each year. Prior to the first Federal Lands Cleanup Day after enactment, each Federal land management agency is required to prepare a report to Congress within 90 days after the first Cleanup Day.

Legislative History

S. 1888 was introduced by Senator Bumpers on December 2, 1985. The bill currently has 18 co-sponsors. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on March 4, 1986.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered S. 1888, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass S. 1888, if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski*	
Mr. Nickles	
Mr. Hecht	
Mr. Evans*	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Rockefeller*	

*Indicates vote by proxy.

COMMITTEE AMENDMENTS

Amendment 1 responds to a concern raised by the Department of the Interior that the term "public lands" as defined in the Federal Land Policy and Management Act is limited to lands administered by the Bureau of Land Management. Since the scope of S. 1888 is much broader, the Department suggested using the term "Federal lands" to avoid confusion.

Amendment 2 addresses the need to provide some flexibility regarding the date on which the cleanup activities are actually conducted to account for weather, the existence of already established programs, etc.

The third amendment is in response to a Department of the Interior request that the Bureau of Reclamation be added to the list of Federal agencies specifically addressed in S. 1888.

Amendment 4 is a technical amendment.

The fifth amendment addresses a concern raised by each of the Administration witnesses that the reporting requirements in S. 1888 were excessive. The proposed amendment would eliminate the requirement that each agency prepare detailed work plans prior to the initiation of cleanup activities. The amendment also makes clear that the report to Congress is to be a summary of agency activities, not a lengthy or detailed analysis. Finally, the proposed language applies the reporting requirements for only the first three years of the program.

Amendment 6 amends the title.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1888, the Public Lands Cleanup Act of 1985, as ordered reported by the Senate Committee on Energy and Natural Resources on July 16, 1986.

S. 1888 would designate the first Saturday after Labor Day of each year as "Federal Lands Cleanup Day". The bill requires each federal land management agency to organize and participate with citizen volunteers and state and local agencies in cleaning and providing for the maintenance of federal lands. The bill would require each federal land management agency to report to the Congress after the first cleanup day and for two years after the submission of the first report regarding the success of the cleanup effort.

Based on information from the affected agencies, CBO estimates that the activities required by the bill would not result in significant additional costs to the federal government and would not affect the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1888. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1888, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of the Interior and the Department of Agriculture setting forth executive agency recommendations relating to S. 1888 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 24, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1888, a bill "To provide for a program of cleanup and maintenance on Federal public lands, national parks, recreation areas, and for other purposes."

We support S. 1888, with amendments suggested herein.

S. 1888 would designate the first Saturday after Labor Day of each year as "Public Lands Cleanup Day." It would direct the President to issue a proclamation calling upon the people of the United States to observe Public Lands Cleanup Day with appropriate ceremonies, programs, and activities.

The bill provides instructions for Federal land management agencies in the observance of the Cleanup Day at the Federal level and identifies those agencies as the Forest Service of the Department of Agriculture, the Bureau of Land Management, National Park Service and Fish and Wildlife Service of the Department of the Interior, and the Army Corps of Engineers. Those agencies would be required to organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and providing for the maintenance of Federal public lands, recreation areas, and waterways within their jurisdiction. Each agency would be required to plan activities on Cleanup Day that encourage continuing public and private sector cooperation in preserving the beauty and safety of our public lands, increase citizens' sense of ownership and community pride in these areas, reduce litter on public lands, along trails and waterways and other recreational areas, and maintain and improve trails, recreation areas, waterways, and facilities.

Before the first Cleanup Day that occurs after enactment of the bill, each Federal land management agency would be required to prepare a plan for such day along the lines specified in the bill. In addition, each of those agencies would be required to report to the Congress, within 90 days after the first Cleanup Day occurring after enactment of the bill, regarding each agency's success in observing Public Lands Cleanup Day and in implementing the agency's plan.

We enthusiastically support the goal of S. 1888. In fact, we note that it reflects the goals of the Administration's "Take Pride in America" public awareness campaign and is a fitting complement to that program. Through this campaign, the Department of the Interior is working with the Departments of Agriculture and Army (Corps of Engineers) and other Federal, State, and local agencies, to encourage all Americans to take pride in their public lands and to instill in citizens a greater sense of ownership and responsibility for these lands. This campaign is aimed at publicly-owned lands under all jurisdictions. However, although we support the concept of S. 1888, we believe the bill should be amended in several respects.

The text of the bill appears to be significantly narrower in scope than the overall purpose described in the title of the bill since it emphasizes volunteer cleanup activities on only one day out of the year and only on land managed by the Federal Government.

S. 1888 provides no new authority to the Secretary of the Interior. The Bureau of Land Management, the National Park Service and other agencies in Interior are already actively engaged in pursuing volunteer involvement in cleanup projects similar to those outlined in the bill. In addition, through the Take Pride in America campaign, we hope to stimulate community awareness and inspire private sector involvement in public land stewardship activities. We see government's role as one of facilitating and encouraging all types of participation by individuals, citizen groups, and State and local governments in caring for our Nation's public lands.

While we agree that designation of a nationwide Public Lands Cleanup Day, as called for under S. 1888, would be a very useful educational and promotional event, we feel that the same results could be achieved from the proclamation required by section 3 without the additional administrative requirements prescribed by the bill. We suggest that statutory requirements in the bill for a plan and a report to Congress are unnecessary. These requirements would add additional costs to the Federal agencies. In addition, a formal detailed plan by Federal agencies might tend to discourage private sector innovation in volunteer assistance. The bureaus already compile annual statistics on their overall volunteer programs. An additional report to Congress on the activities of one day does not appear to be necessary. For these reasons, we recommend that the requirements for a plan and a report to Congress be deleted from the bill.

We favor a broader approach to a Public Lands Cleanup Day that would apply not only to lands under Federal jurisdiction but to lands under State and local jurisdiction as well. We have concerns that this legislation could be construed to apply only to the public lands as defined in the Federal Land Policy and Management Act under the jurisdiction of the Bureau of Land Management rather than to all Federal lands. Therefore, we suggest an amendment to clarify this point.

We believe that the bill would more accurately reflect its objectives if it identified Cleanup Day as only one part of a more comprehensive program to extend over other days, months, or even year-round. To concentrate all volunteer activities on only one day would not, of itself, constitute an effective cleanup and maintenance program for many Federal land areas. We would not want to see enactment of the bill result in agency field managers scheduling their major volunteer cleanup activities for only one day in an area where this would mean sacrificing effectiveness in order to be fully responsive to the bill. For example, in some areas agency managers and local citizen groups may find that they can make more effective and efficient use of the limited number of trucks available to them to haul litter to disposal sites if the work is spread over several weekends or over an entire season rather than if they tried to do it all in one 24-hour period. Furthermore, in some parts of the country, the date specified in the bill for Cleanup

Day--the first Saturday after Labor Day—may not be a practical time to concentrate such activities.

In summary, designation of a nationwide Public Lands Cleanup Day as part of a more extensive volunteer program would be useful for all Federal land managers as a promotional and educational tool. It would provide high public visibility and help raise the level of public awareness of opportunities for citizens and citizen groups to voluntarily assume a degree of responsibility for one aspect of Federal land management. Moreover, the event could serve as an occasion for bringing together citizen groups with diverse viewpoints on Federal land management to work side by side for a common goal.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. STEVEN GRILES,
Assistant Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, April 11, 1986.

Hon. JAMES A. MCCLURE,
Chairman Committee on Energy and Natural Resources,
Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 1888, a bill "To provide for a program of cleanup and maintenance on Federal public lands, national parks, recreation areas, and for other purposes."

The Department of Agriculture recommends that S. 1888 be enacted with an amendment.

The USDA Forest Service has long recognized the need for active citizen participation in the protection, improvement, and cleanup of the National Forest System lands. For example, in FY 1985, 46,000 volunteers accomplished an estimated $22,500,000 of environmental improvement work under the provisions of the Volunteers in the National Forest Act of May 18, 1972 (P.L. 92-300, as amended). This represents nearly 1,800 person years of work.

We are concerned with the detailed reporting requirements of Section 4(c) (1) and (2) of the proposed bill. In the case of our existing volunteer program, we do not require our field units to submit detailed advance plans nor do we feel it is necessary. We do, however, develop a report that summarizes hours of volunteer work and the estimated value of that work which is summarized in our annual report to Congress. We recommend that the special reporting requirements in Section 4(c) (1) and (2) be deleted.

We would expect that this program would be carried out in conjunction with our other programs and would not result in additional costs.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. LYNG, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1888, as reported.

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Calendar No. 758

99TH CONGRESS
2d Session

SENATE

REPORT
99-356

THE RELEASE OF CERTAIN CONDITIONS AND RESERVATIONS ON CERTAIN LANDS IN THE STATE OF UTAH

AUGUST 1 (legislative day, JULY 28), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources submitted the following

REPORT

[To accompany S. 1911]

The Committee on Energy and Natural Resources to which was referred the bill (S. 1911) to direct the Administrator of General Services to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah, having considered the same, reports favorably thereon with amendments to the text and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, lines 4 and 5, strike "Not later than thirty days after the date of enactment of this Act," and insert in lieu thereof: "Subject to subsection (c) of this section,".

2. On page 2 after line 24 add a new subsection (c) as follows:

> "(c) In consideration for the release authorized in subsection (a) of this section, the State of Utah shall pay to the United States the fair market value of the land described in section 2 of this Act or acquire land which shall be subject to the same conditions and restrictions as the land originally conveyed and which provides an equivalent wildlife conservation habitat as determined by the Secretary of the Interior.".

PURPOSE OF THE MEASURE

S. 1911, as reported, would direct the Administrator of General Services to release use retrictions on approximately 150 acres of

S313-18

land to enable the State of Utah to exchange the parcel with a private concern. The land to be acquired by the State of Utah through the exchange is to be used for wildlife conservation purposes.

Background and Need

S. 1911 permits the State of Utah to enter into an exchange involving approximately 150 acres of land in Salt Lake City, Utah, conveyed by the General Services Administration to the State in 1950. The State of Utah is seeking to obtain 3,519 acres of prime wetlands now owned by Upland Industries Corporation by trading the federally conveyed 150 acres. However, the quitclaim deed conveyance from the United States through the General Services Administration to the State dated July 26, 1950, includes reversionary clauses and a Federal right to surface entry for mineral rights. Such conditions preclude the State or other private parties from developing the 150 acres for purposes which may conflict with provisions contained in the reversionary clause.

Legislative History

S. 1911 was introduced by Senator Garn and Senator Hatch on December 9, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on March 4, 1986.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered S. 1911, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass S. 1911, if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield *	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski *	
Mr. Nickles	
Mr. Hecht	
Mr. Evans *	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum *	
Mr. Bradley *	
Mr. Bingaman *	
Mr. Rockfeller *	

* Indicates vote by proxy.

COMMITTEE AMENDMENTS

The lands described in the bill are owned by the State of Utah and are proposed for exchange for other land. The Committee amendment requires that the restrictions extend to any lands acquired if an exchange is completed or the payment of fair market value of the lands described in the bill.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1911, a bill to direct the Administrator of General Services to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah, as ordered reported by the Senate Committee on Energy and Natural Resources on July 16, 1986. We estimate that enactment of this bill would result in no significant cost to the federal government or to state or local governments.

S. 1911 would require the Administrator of General Services to release certain conditions and reservations contained in a 1950 conveyance of land to the State of Utah. The bill would require the state to pay to the United States the fair market value of the land or to acquire land that would be subject to the same conditions and restrictions as the land originally conveyed and that provides an equivalent wildlife conservation habitat. In addition, the United States would retain the mineral rights for the newly acquired land and would be permitted to obtain the land if it is needed for national defense purposes.

Based on information obtained from the General Services Administration, the Department of the Interior, and the State of Utah, CBO expects that in consideration for the release, the State of Utah would acquire equivalent lands and make them subject to the same restrictions and conditions as the land originally conveyed, rather than pay to the United States the fair market value of the land. Therefore, we estimate that enactment of this bill would result in no significant cost or savings to the federal government.

If S. 1911 is enacted, the State of Utah plans to convey the land to Upland Industries, a subsidiary of Union Pacific Corporation, in exchange for 3,500 acres of Union Pacific land in northern Utah. This land would be made subject to the same conditions and restrictions as the land originally conveyed to the state. If this exchange occurs, the state would not incur significant costs. Enactment of this bill would not otherwise affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1911. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1911, as reported.

EXECUTIVE COMMUNICATIONS

On February 20, 1986, the Committee on Energy and Natural Resouces requested legislative reports from the General Services Administration and the Office of Management and Budget setting forth executive views on S. 1911. These reports had not been received at the time the report on S. 1911 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1911, as reported.

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